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Attorney Reference Number 2747-51635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Robert B. Harkness & Philip A. Harkness

Art Unit: 1661

Application No. 09/255,107

Filed: February 22, 1999

For: CLIMBER ROSE PLANT NAMED HARYUP

Examiner: Howard J. Locker

Date: July 25, 2002

BOX AF
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on July 25, 2002 as First Class Mail in an envelope addressed to: BOX AF, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.


Attorney for Applicant

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**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of Examiner dated June 28, 2002, rejecting claim 1.

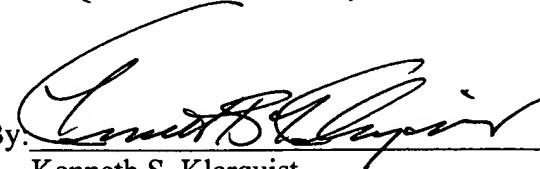
The assignee of this application claims large entity status and therefore enclosed is a check in the amount of \$320.00 per 37 C.F.R. § 1.17 (b) for the filing fee for this Notice of Appeal.

Applicants believe that no extension of time is required. However, this conditional Petition for Extension of Time is made to provide for the possibility that applicants have inadvertently overlooked the need for a Petition and Fee for Extension of Time.

Please charge any additional fees that may be required in connection with filing this Notice of Appeal and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this Notice of Appeal is enclosed.

Respectfully submitted,

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